

REMARKS

Claims 1-30 were originally filed in the present application.

Claims 1-30 have been rejected.

Claims 1-30 have been cancelled.

Claims 31-60 have been added.

The Applicant requests reconsideration the claims in view of the following arguments.

In Sections 1 and 2 of the November 3, 2004 Office Action, the Examiner rejected Claims 1, 6 and 15 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,061,565 to *Innes, et al.* (hereinafter, simply "*Innes*"). In Sections 3 and 4 of the Office Action, the Examiner rejected Claims 2-6, 9-13 and 22-30 under 35 U.S.C. 103(a) as being unpatentable over *Innes* in view of the Admitted Prior Art (hereinafter, simply "the *APA*"). In Section 5 of the Office Action, the Examiner rejected Claims 7, 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over *Innes* in view of the *APA* in further view of United States Patent Application Publication No. 2003/0054845 to *Krasny, et al.* (hereinafter, simply "*Krasny*").

The Applicant respectfully asserts that the rejections of Claims 1-30 are moot in view of the cancellation of Claims 1-30.

The Applicant has replaced cancelled Claims 1-30 with new Claims 31-60 in order to more particularly point out and distinctly claim the Applicant's invention. However, new Claims 31-60 are analogous to many of cancelled Claims 1-30. For example, new independent apparatus Claim 31

is analogous to cancelled independent apparatus Claim 1. Similarly, new independent method Claim 45 is analogous to cancelled independent method Claim 15.

New independent Claims 31, 38, 45, 53 and 56 recite the unique and non-obvious limitation of a distance unit capable of adjusting a two way travel time to correct for signal conditions causing a time difference in arrival of a range signal at a base station. In rejecting Claim 7, the Examiner acknowledged that the *Innes* reference and the *APA* fail to disclose a distance unit capable of adjusting a value of a two way travel time to correct a time difference of a signal comprising one of: a multipath signal and a Doppler shifted signal. The Applicant respectfully submits that the *Innes* reference and the *APA* also fail to describe a distance unit capable of adjusting a two way travel time to correct for signal conditions causing a time difference in arrival of a range signal at a base station.

The Examiner asserted, however, that the *Krasny* reference describes a method and apparatus for determining the time it takes a signal to travel between two points, using a multipath signal component to modify (adjust) the time so determined, citing paragraph [0073]. *Office Action mailed November 3, 2004, page 21, first full paragraph.* The Applicant respectfully submits that the Examiner mischaracterizes the teaching of the *Krasny* reference.

The *Krasny* reference teaches a method of precisely estimating the time of arrival of a signal with multipath components at a wireless receiver. *See Krasny, Abstract.* Each multipath component of the received signal has a different time-of-arrival (TOA) with respect to the wireless receiver. *See Krasny, paragraph [0005].* The problem is characterized as one of accurately estimating the path delays of each of the multiple signal paths in order to accurately estimate the TOA of the composite

received signal. *See Krasny, paragraph [0026]*. This TOA of the composite received signal is consistently described in the *Krasny* reference as the TOA of the earliest multipath signal component. *See Krasny, paragraphs [0026], [0082], and [0085]*. Thus, the *Krasny* reference describes a system that determines a TOA for each multipath component of a received signal and selects one of those as the TOA of the composite received signal.

In contrast, the present application claims a distance unit associated with a base station in a wireless communications network capable of adjusting a two way travel time to correct for signal conditions causing a time difference in the arrival of a range signal at the base station. Where the *Krasny* reference teaches selecting a single representation time-of-arrival, the present application claims adjusting a two way travel time.

Thus, independent Claim 31 contains patentable subject matter over the *Innes* reference, the *APA*, the *Krasny* reference, and the combination of the *APA* and the *Innes* and *Krasny* references. Also, dependent Claims 32-37 depend from Claim 31 and contain all of the unique and non-obvious limitations recited in Claim 31. Thus, Claims 32-37 also are patentable over the cited prior art references.

Independent Claims 38, 45, 53 and 56 contain limitations that are analogous to the unique and non-obvious limitations recited in independent Claim 31. This being the case, Claims 38, 45, 53 and 56 are patentable over the *Innes* reference, the *APA*, the *Krasny* reference, and the combination of the *APA* and the *Innes* and *Krasny* references. Furthermore, dependent Claims 39-44, 46-52, 54, 55 and 57-60 which depend from Claims 38, 45, 53 and 56, respectively, contain all of the unique

and non-obvious limitations recited in Claims 8 and 15, respectively. Thus, dependent Claims 39-44, 46-52, 54, 55 and 57-60 also are patentable over the cited prior art references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

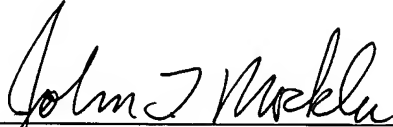
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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